

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATERN, INC.,

Plaintiff,

v.

STAPLES, INC., *et al.*,

Defendants.

Civil Case No.: 2:10-cv-00133-JRG-RSP

JURY TRIAL DEMANDED

JOINT STIPULATION OF DISMISSAL

DataTern, Inc. (“DataTern”) and Defendants J. C. Penney Company, Inc. (“JCPenney Company”) and J. C. Penney Corporation, Inc. (“JCP”) (collectively “JCPenney”), pursuant to Fed. R. Civ. P. 41(a) and (c), hereby jointly move for an order dismissing all claims in this action of DataTern WITH PREJUDICE and all counterclaims of JCPenney in this action WITHOUT PREJUDICE, with each party to bear its own costs, expenses and attorney’s fees.

DataTern’s dismissal of its claims against JCPenney Company and JCP are not the result of any settlement agreement, license, or any payment to DataTern.

Respectfully submitted,

/s/Steven E. Aldous

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*Attorney for J. C. Penney Company, Inc. and
J.C. Penney Corporation, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on December 24, 2014, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Steven E. Aldous